

AMENDED IN SENATE JUNE 23, 2009

AMENDED IN ASSEMBLY MAY 12, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1228**

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**Introduced by Assembly Member Yamada**

February 27, 2009

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An act to add and repeal Section 4001 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL’S DIGEST

AB 1228, as amended, Yamada. Elections: all-mailed ballot elections.

Existing law authorizes a local, special, or consolidated election to be conducted as an all-mailed ballot election, so long as specified conditions are satisfied.

This bill would authorize as a pilot program, until December 31, 2016, not more than 3 elections in Yolo County other than statewide primary or general elections or special elections to fill a vacancy in a state office, the Legislature, or Congress to be conducted as all-mailed ballot elections if specified conditions are satisfied.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 4001 is added to the Elections Code, to  
2     read:

1 4001. (a) Notwithstanding Section 4000, as a pilot program,  
2 not more than three elections in Yolo County may be conducted  
3 as all-mailed ballot elections, subject to the following conditions:

4 (1) The governing body of the city, county, or district, by  
5 resolution, authorizes the all-mailed ballot election and notifies  
6 the Secretary of State of its intent to conduct an all-mailed ballot  
7 election at least 88 days prior to the date of the election.

8 (2) The election does not occur on the same date as a statewide  
9 primary or general election.

10 (3) The election is not a special election to fill a vacancy in a  
11 state office, the State Legislature, or Congress.

12 (4) At least one polling place is provided in each city within the  
13 jurisdiction and is open to receive voted ballots for at least two  
14 weeks before the date of the election and until 8 p.m. on the day  
15 of the election.

16 (5) The elections official delivers to each voter all supplies  
17 necessary for the use and return of the mail ballot, including an  
18 envelope for the return of the voted mail ballot, postage prepaid.

19 (6) The elections official delivers to each voter, with either the  
20 sample ballot sent pursuant to Section 13303 or with the voter's  
21 ballot, a list of the polling places provided pursuant to paragraph  
22 (4), and this list is also posted on the Internet Web site of the Yolo  
23 County Elections Office.

24 (7) The return of voted mail ballots is subject to Section 3017.

25 (8) *The polling places provided under this section are at an*  
26 *accessible location and are equipped with voting units or systems*  
27 *that are accessible to individuals with disabilities and that provide*  
28 *the same opportunity for access and participation, including the*  
29 *ability to vote privately and independently.*

30 (b) (1) If the county conducts an all-mailed ballot election, on  
31 or before December 31, 2016, the county shall report to the  
32 Legislature and to the Secretary of State regarding the success of  
33 the election, including, but not limited to, any statistics on the cost  
34 to conduct the election, the turnout of different populations,  
35 including whenever possible, but not limited to, the population  
36 categories of race, ethnicity, age, gender, disability, permanent  
37 vote-by-mail status, and political party affiliation, the number of  
38 ballots that are not counted and the reasons they were rejected,  
39 voter fraud, and any other problems that become known to the  
40 county during the election or canvass.

1 (2) Whenever possible, using the criteria set forth in paragraph  
2 (1), the report of the county shall compare the success of the  
3 all-mailed ballot election to similar elections not conducted as  
4 all-mailed ballot elections in the same jurisdiction.

5 (3) The report of the county shall be submitted to the Legislature  
6 within six months after the date of the all-mailed ballot election  
7 or prior to the date of any other all-mailed ballot election subject  
8 to this section to be conducted in the county, whichever is sooner.

9 (c) This section shall remain in effect only until December 31,  
10 2016, and as of that date is repealed, unless a later enacted statute,  
11 that is enacted before December 31, 2016, deletes or extends that  
12 date.